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Human Resources Dept

MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Mark Washington, Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: October 30, 2014

SUBJECT: Indefinite Suspension of Police Officer Jermaine Hopkins #6783
Internal Affairs Control Number 2014-0527

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have indefinitely suspended Police Officer Jermaine Hopkins #6783 from duty as a City of Austin, Texas police officer effective October 30, 2014.

I took this action because Officer Hopkins violated Civil Service Commission Rule 10.03, which sets forth the grounds for disciplinary suspensions of employees in the classified service, and states:

No employee of the classified service of the City of Austin shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for suspension of an employee from the classified service of the City:

- L. Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

Background Facts

Officer Hopkins was placed on restricted duty and assigned to his home pending an Internal Affairs investigation and a "Determination of Physical and Mental Fitness" process under Section 143.081 of the Texas Local Government Code. While on restricted duty, Officer Hopkins began engaging in a pattern of insubordinate, harassing, antagonistic and unreasonably disruptive conduct in violation of Austin Police Department policies, and in willful disobedience of lawful orders. Officer Hopkins' pattern of misconduct has extended for over one year, and continued through the date of this Memorandum.

The following are the specific acts committed by Officer Hopkins in violation of Rule 10:

Chain of Command/Obedience to Orders/Insubordination

As detailed in the chronology below and as evidenced by the attached exhibits, Officer Hopkins was reminded of APD's policies regarding obedience to orders and chain of command numerous times, and was ordered to comply with these policies. Additionally, after sending numerous requests, often multiple times extending throughout the same day, Officer Hopkins was ordered to stop sending requests for information and documents to the Mayor, City management or me, and was ordered to send the requests to either the City of Austin's designated site or to APD's Central Records. Further, Officer Hopkins was advised to stop communicating with City management and elected officials regarding his complaints of unlawful discrimination, retaliation and wage claims, due to the fact that the City was cooperating with investigations into all of his filed complaints with federal and state agencies, and repeated communications regarding the same alleged conduct was not necessary. Despite clear and concise lawful orders, Officer Hopkins engaged in a pattern of willful disobedience of these lawful orders, and failed to operate within his chain of command in violation of APD policies.

Employee Responsibilities/Unreasonable Disruption of Workplace

Additionally, as detailed in the chronology below and as evidenced by the attached exhibits, Officer Hopkins failed to conduct himself in a professional and ethical manner, and failed to treat his coworkers with respect and dignity. While on restricted duty and assigned to his home, Officer Hopkins sent voluminous requests for information and documents, often several times per day, to both APD's Central Records and to individual City employees at various City departments. In addition to the burden caused by the number of his requests and the volume of information and documents sought, Officer Hopkins submitted these requests in an antagonistic and unprofessional manner by making unreasonable demands regarding time and form of response. Officer Hopkins also sent numerous repetitive requests to different City employees or departments for information or documents that Officer Hopkins had been previously provided for no ostensible purpose other than to harass. In addition to filing several complaints with the Texas Attorney General, Officer Hopkins also sent unprofessional and antagonistic emails complaining to or about City employees who sought in good faith to timely meet

the demands of his requests despite the burdens of their regular duties. Additionally, Officer Hopkins has filed or threatened to file, with no factual or legal justification, criminal complaints against APD employees, including me, and State Bar grievances against Assistant City Attorneys. APD policy clearly states that unprofessional conduct will not be tolerated in the workplace. Officer Hopkins' pattern of insubordinate, harassing, retaliatory and antagonistic conduct toward his coworkers is a violation of APD policy, and is unreasonably disruptive to the efficient operation of the Department.

Acts Bringing Discredit Upon the Department

Additionally, as detailed in the chronology below and as evidenced by the attached exhibits, Officer Hopkins' conduct brought reproach, discredit, or embarrassment to the Department and to the City by repeatedly expressing his complaints in an unreasonably disrespectful, antagonistic and disruptive manner, and by publicly defying the authority of his Chief and chain of command by obvious disrespect, arrogant or disrespectful conduct, ridicule or challenge to lawful orders. Additionally, Officer Hopkins' conduct and communications reflect that he has engaged in activities in which there is a potential for conflict of interest or the appearance of a conflict of interest with his lawful duties or with the accomplishment of the Department's mission and goals in violation of APD policy. Officer Hopkins' conduct, as summarized above and detailed below, is prejudicial to the good order, efficiency, or discipline of the Department.

Chronology of Specific Acts

1. **April 14, 2014.** By its Order dated April 4, 2014, pursuant to Section 143.081(d) of the Texas Local Government Code, the Civil Service Commission appointed a three-member board of psychologists to conduct an examination of Officer Hopkins "to determine his mental fitness for duty." Based on Officer Hopkins' prior conduct which hampered the Civil Service Commission's ability to conduct the fitness for duty process, I issued Officer Hopkins a law order, dated April 14, 2014, that ordered Officer Hopkins to fully comply with the Civil Service Commission's April 4, 2014 order to participate in the fitness for duty process. (See Exhibit 1 attached hereto, and incorporated herein by reference.)
2. **April 16, 2014.** Officer Hopkins sent a letter to City Manager Ott, bypassing his entire chain of command, including me, in which Officer Hopkins claimed that my April 14th Order was "illegal." (See Exhibit 2 attached hereto and incorporated herein by reference). Contrary to APD policy, Officer Hopkins further claimed, as he has repeatedly done numerous times since his April 16 letter, that he was "required to disregard unlawful orders." Notably, Officer Hopkins's letter never explained to the City Manager what was unlawful about my order which did nothing more than order him to fully comply with the lawful order of the Civil Service Commission. Nor did Officer Hopkins' letter request clarification of my lawful order. Instead, Officer Hopkins asserted that the City of Austin "has demonstrated that its anti-discriminatory/anti-retaliatory personnel policies are merely 'paper policies,'" and that the City's Human Resources Department is "not

capable of addressing these issues.” Officer Hopkins accused City Manager Ott of “acting with deliberate indifference to a pattern or practice of employment discrimination,” and requested that he hold “your agency heads accountable for their unlawful actions.” In addition to bypassing his chain of command, Officer Hopkins sent the letter to Mayor Leffingwell, Councilman Riley, APA President Vincent, and federal government officials with the EEOC and Department of Labor, and the United States Department of Justice. During his Internal Affairs interview, Officer Hopkins admitted understanding “the importance of chain of command” and conceded that he did not include anyone else in his chain of command in the letter. Officer Hopkins further admitted that he took no action before the Civil Service Commission to seek relief from its lawful order based on his belief that it was “illegal.” *Officer Hopkins’ conduct in response to the Civil Service Commission’s April 4 order and my April 14 order evidences what was to become a pattern of deliberate refusal to obey lawful orders based on an unsubstantiated “belief” that the orders are “illegal,” and an erroneous statement of APD policy.*

3. **April 26, 2014.** Officer Hopkins sent an e-mail to City Manager Ott, with a copy to me, three newspaper reporters, the City’s Human Resources Director, Mayor Leffingwell, and a federal government official with the EEOC, complaining that he had not received any clarification, modification or retraction of my April 14 Order. Notably, Officer Hopkins again bypassed his chain of command, stating only that his chain is “aware that I believe the order is unlawful,” and that “[g]iven the circumstances, I believe that I am, and that I will continue to remain, in compliance with APD policy in my response to the unlawful order.” (See Exhibit 3 attached hereto, and incorporated herein by reference.)
4. **April 28, 2014.** I responded to Officer Hopkins’ April 26th request seeking “clarification” of my April 14 order. I advised Officer Hopkins that: “My April 14 order directs you to fully comply with the April 4 order of the Civil Service Commission which appointed a three member board to conduct a psychological examination of you in compliance with Texas Local Government Code Section 143.081(d).” I further explained to Officer Hopkins that: “Your compliance with the Commission’s April 4 Order is necessary to complete the statutory “Determination of Physical and Mental Fitness” process initiated by me in September 2013.” I further admonished Officer Hopkins that his *“failure to fully comply with either the April 4 Order of the Civil Service Commission or with my April 14 Order shall be considered an act of insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.”* Officer Hopkins was also advised by me to raise any further questions regarding my April 14 order or any order of the Austin Police Department directly up through his chain of command. *Therefore, Officer Hopkins was clearly placed on notice that failure to comply with lawful orders could subject him to serious disciplinary consequences.* (See Exhibit 4 attached hereto, and incorporated herein by reference.)

5. **April 30, 2014.** In response to my April 28 email, Officer Hopkins sent an email to City Manager Ott, Mayor Leffingwell, Assistant Chief Manley, Commander Jung and me entitled "Noted lack of response," in which Officer Hopkins claimed that I "repeated the illegal order" that I gave him on April 14 "emphasizing that [his] failure to comply" will be considered "insubordination." Officer Hopkins also claimed that I "further indicated that any protected activity will be met with disciplinary action, up to and including indefinite suspension." (See Exhibit 5 attached hereto and incorporated herein by reference.) Despite his claims that my April 14 order and the Civil Service Commission orders were "illegal," Officer Hopkins admitted to Internal Affairs that he was able to fully comply with both orders in the conduct of his fit for duty examination.
6. **May 28, 2014.** After receipt of the report of the board appointed by the Civil Service Commission finding that Officer Hopkins was fit for duty, Officer Hopkins, bypassing his chain of command, sent an email to City Manager Ott, and Mayor Leffingwell with a copy to federal government officials at the EEOC, his attorney, and APA President Vincent. In his email, Officer Hopkins asserted that the "questioning of my mental/physical fitness was merely in response to my EEOC protected activity." Disregarding my April 28 order to address all questions through his chain of command, Officer Hopkins asks "when will my restricted duty end," and requests "a date that [he] can expect to receive the responsive items to my written requests for public information." (See Exhibit 6 attached hereto, and incorporated herein by reference).
7. **May 29, 2014.** After receipt of the panel's determination and recommendations regarding Officer Hopkins' fitness for duty, I advised Officer Hopkins that he would be returning to duty. Due to his prior insubordinate conduct as most recently evidenced by his May 28 email, I advised Officer Hopkins that all APD employees are expected to follow the command protocol, and to know and comply with all APD policies, specifically the policies set forth in APD Policy 110 "Organization Structure and Responsibility," including the requirement to know your chain of command and to operate within it, and obedience to orders. I again reminded Officer Hopkins that, in compliance with APD policy, any questions regarding his return to duty or any other work-related issues should be directed to and will be addressed by his chain of command. (See Exhibit 7 attached hereto, and incorporated herein by reference).
8. **May 30, 2014.** Officer Hopkins had been advised on numerous occasions to direct his requests for information to APD's records coordinator in Central Records, where he had, in fact, sent approximately 70 requests prior to this date. On May 30, Officer Hopkins sent 7 emails beginning at 12:03 am, and continuing through 5:36 pm containing requests for information or communications regarding the status of his requests for information to Mayor Leffingwell and me. Officer Hopkins also copied City Manager Ott, the City's Human Resources Director, and the City Attorney on some of his requests. On that same date, I ordered Officer Hopkins to cease and desist from sending any further open records requests or

communications regarding the status of his open records requests to me, Mayor Leffingwell, or the City Manager's office. (See Exhibit 8 attached hereto, and incorporated herein by reference).

9. **May 30, 2014.** In response to Officer Hopkins' requests that the City investigate his alleged complaints, Deputy City Manager McDonald sent Officer Hopkins a letter on behalf of the City Manager. Deputy City Manager McDonald advised Officer Hopkins that APD personnel as well as City staff from several other departments were already conducting internal investigations and cooperating with independent agencies in response to Officer Hopkins' discrimination and retaliation claims filed with the EEOC, Officer Hopkins' claims for unpaid overtime filed with the Department of Labor, and Officer Hopkins' complaints regarding the handling of open records requests. Deputy City Manager McDonald told Officer Hopkins that "[i]f any of these investigations conclude that the City has violated any personnel policies, Departmental policies, or legal requirements, management will take appropriate action." Deputy City Manager McDonald expressly advised Officer Hopkins that "[n]o further communication by you with elected City officials or City management is necessary to address [your] complaints." (See Exhibit 9 attached hereto, and incorporated herein by reference).
10. **June 13, 2014.** On June 12, 2014, Lieutenant McGowan advised Officer Hopkins that based on the Human Resources Department's investigation of his claims for compensation, Officer Hopkins would be compensated in the type and amount stated on the attached summary. Lieutenant McGowan further advised Officer Hopkins that if he had any questions regarding the *attached summary*, that Officer Hopkins should direct them to the Human Resources Manager who created the summary. Instead, Officer Hopkins sent an email to the HR Manager requesting information about an overtime request that he had submitted in January 2014 that had been previously denied by Commander Jung, and therefore was not included in the investigation. Officer Hopkins also requested that the HR Manager provide him with "a copy of the COA policy which addresses the inquiry that you have conducted in regards to my overtime requests," and a copy of an overtime form that was submitted to her. In addition to violating policy and orders regarding chain of command, Officer Hopkins' email was antagonistic and harassing. (See Exhibit 10 attached hereto, and incorporated herein by reference.)
11. **June 17, 2014.** Officer Hopkins sent another harassing and antagonistic email to the HR Manager complaining that she had failed to respond to his request for records "that are regularly provided to those who are similarly situated to me." Additionally, in his email, Officer Hopkins submitted yet another request for information. Within an hour, the HR Manager responded that she received his email and that "correspondence will be forthcoming" to which Officer Hopkins immediately replied and requested the date when he could expect to receive the correspondence. (See Exhibit 11 attached hereto, and incorporated herein by reference.)

12. **June 19, 2014.** At 12:01 am, Officer Hopkins, again bypassing his chain of command, sent yet another email to the HR Manager, with a copy to her supervisor, the City's Human Resources Director, Mayor Leffingwell, City Manager Ott, Deputy City Manager McDonald and me. Again, Officer Hopkins' email was unprofessional and antagonistic, stating that his "concern is exacerbated by your unwillingness to respond to simple questions." Further, despite the fact that less than 48 hours had elapsed since his last email, Officer Hopkins' email was harassing and unreasonably disruptive in its assertion that "sufficient time has elapsed to safely presume that I will not receive a response." Based on his declaration that less than 48 hours is sufficient time to respond to his requests for information and documents, Officer Hopkins stated that he "hereby direct[s] all of the questions and requests below to City Manager Marc Ott." (See Exhibit 12 attached hereto, and incorporated herein by reference). Officer Hopkins' email evidences his pattern of insubordinate, harassing, antagonistic, and unreasonably disruptive conduct, and his willful disobedience of my lawful orders regarding chain of command and requests for information.

13. **June 19, 2014.** In response to the above-described harassing and antagonistic requests, the HR manager sent Officer Hopkins an email that addressed his questions regarding her investigation, and provided him with all of the documents responsive to his request for documents pertaining to his wage claims. The HR Manager also clearly and expressly told Officer Hopkins that she would not respond to any "future communications that have already been addressed," and that "as previously directed and in order for the City to be responsive to your concerns," that Officer Hopkins should direct his questions or concerns to his chain of command. (See Exhibit 13 attached hereto, and incorporated herein by reference.) As I had previously told Officer Hopkins, APD employees are expected to follow the command protocol. An HR Manager should not have to advise an APD officer to operate within his chain of command in order to avoid further harassment by the officer. Officer Hopkins' failure to comply with APD policy and willful disobedience of my lawful orders, and disrespectful treatment of the HR manager cannot be tolerated.

Officer Hopkins replied to this email with an even more insubordinate, antagonistic and harassing email to the HR Manager, with a copy to her supervisor, the HR Director, Mayor Leffingwell, City Managers, me, and some but not all members of his chain of command. Again, Officer Hopkins' e-mail was insubordinate, harassing, antagonistic, and unreasonably disruptive of the workplace. (See Exhibit 14 attached hereto, and incorporated herein by reference.)

14. **June 20, 2014.** In response to Officer Hopkins' June 19 email, I reminded Officer Hopkins of my lawful May 29 and May 30 orders, and that APD policy states that responsibility for refusal to comply with an order rests with the officer, and that Officer Hopkins would be required to strictly justify his actions. I also advised Officer Hopkins again that any future failure to comply with my May 29,

May 30 or the present order will be considered insubordination for which he would be subject to disciplinary action up to and including indefinite suspension. *As per my April 28 email, this email marked the second time that Officer Hopkins was warned of the potential serious disciplinary consequences that could result from his continued insubordinate conduct. (See Exhibit 15 attached hereto, and incorporated herein by reference.)*

15. **June 20, 2014.** Despite receipt of my second warning, within less than 90 minutes, Officer Hopkins replied to my e-mail by once again declaring his unsubstantiated belief that my orders were "unlawful," and erroneously asserting that he is "required to disregard" my orders. Again, Officer Hopkins copied Mayor Leffingwell, City management, and federal government officials yet failed to copy any member of his chain of command in further violation of my orders. (See Exhibit 16 attached hereto, and incorporated herein by reference).
16. **June 23, 2014.** Due to Officer Hopkins' pattern of willful disobedience of and deliberate refusal to obey my lawful orders or to comply with APD policies, a complaint was filed with Internal Affairs requesting an investigation into Officer Hopkins' conduct.
17. **September 4, 2014.** During the pendency of the Internal Affairs investigation, Officer Hopkins continued to engage in insubordinate conduct in blatant disregard of my lawful orders and in violation of APD policies. On September 4, the day prior to his appeal hearing for his prior eight day suspension, from 10:56 am to 11:40 pm, Officer Hopkins sent 10 emails and two Twitter messages to me, City Management, elected officials, federal government officials, or members of his chain of command. As detailed here and in paragraphs 18-22, the timing and content of Officer Hopkins' September 4 emails evidence a willful disobedience of my lawful orders, an obvious disrespect and defiance of the authority of his chain of command, and were harassing and unreasonably disruptive. For example, Officer Hopkins sent two emails to me and his entire chain of command with a copy to his attorneys, to request a battery for his pager. (See Exhibits 17 and 18 attached hereto, and incorporated herein by reference). The first e-mail was sent at 3:02 pm and the second email was sent at 3:18 pm. Additionally, in his first email, Officer Hopkins threatened to file both an "additional EEOC Charge and a complaint with the City Manager," as well as a "state bar complaint" against an Assistant City Attorney for "encouraging communications regarding [his] employment related matters." Officer Hopkins' repeated refusal to obey direct lawful orders that he had received to follow his chain of command, and to stop sending me requests was not only insubordinate, but was also harassing, antagonistic, and unreasonably disruptive in violation of APD policies. Additionally, Officer Hopkins' harassing, retaliatory and antagonistic threats to file unwarranted complaints against City employees further violates APD policy. Officer Hopkins' misconduct is further aggravated by the fact that his pattern of insubordinate conduct continued despite being previously warned by me, and during the pendency of an Internal Affairs investigation into such conduct.

18. **September 4, 2014.** At 3:29 p.m., Officer Hopkins sent yet another e-mail request to me requesting a TCOLE Form L3 based on his complaint that the one that he received "does not comply with TCOLE requirements." (See Exhibit 19 attached hereto, and incorporated herein by reference). Once again, Officer Hopkins bypassed his chain of command in sending this request to me. Further, Officer Hopkins admitted to Internal Affairs that he did not send the request to Ms. Moore or anyone else in APD Central Records prior to sending it to me in willful disobedience of my lawful May 30 order.
19. **September 4, 2014.** At 4:56 pm, Officer Hopkins sent an e-mail to City Manager Ott, Deputy City Manager McDonald and me entitled "Complaint of Unlawful Employment Discrimination." (See Exhibit 20 attached hereto, and incorporated herein by reference.) This email was sent directly to the City Manager despite Deputy City Manager McDonald's prior letter advising Officer Hopkins that further communications regarding his employment claims were not necessary, and that Officer Hopkins should follow his chain of command. During his Internal Affairs interview, Officer Hopkins denied that this request was insubordinate, harassing, antagonistic, or unreasonably disruptive.
20. **September 4, 2014.** At 7:10 pm, Officer Hopkins sent another email to Mayor Leffingwell and me, entitled "Public Information Request," but which was in effect an attempt to justify his repeated failure to obey my lawful May 30 order. Officer Hopkins claimed that my lawful May 30 order violated the U.S. Constitution, various other laws, and Texas Attorney General letter rulings. Officer Hopkins also requested a meeting to seek clarification of my "illegal orders." Yet, nowhere in his email did Officer Hopkins state what needed to be clarified regarding my clear and concise order to send his requests for information and documents to the City of Austin's designated site or to APD's Central Records. Instead, Officer Hopkins accused me of committing a crime, and advised that he has "recently filed a formal complaint" against me with the Travis County District Attorney's Office that he understood "has been accepted." By copy of his email, Officer Hopkins requested that the Travis County District Attorney's office present his complaint against me to a grand jury. Further, by copy of his email, Officer Hopkins requested City Manager Ott place me on administrative leave "pending a determination by a grand jury." (See Exhibit 21 attached hereto, and incorporated herein by reference.) During his Internal Affairs interview, Officer Hopkins denied that accusing me of criminal conduct is insubordinate, harassing, antagonistic or unreasonably disruptive. Officer Hopkins further denied that his accusations could be viewed as action taken in retaliation based upon my lawful May 30 order or his pending Internal Affairs investigation.
21. **September 4, 2014.** At 10:59 pm, Officer Hopkins sent another email to the U.S. Department of Labor and copied City Managers and me, regarding an overtime pay complaint. (See Exhibit 22 attached hereto, and incorporated herein by

reference.) In willful disobedience of APD policy and my lawful order, Officer Hopkins again bypassed his chain of command. During his Internal Affairs interview, Officer Hopkins again failed to acknowledge that his action in failing to follow his chain of command, and instead sending a complaint at 10:59 pm to City Managers and to me, could be viewed as insubordinate, harassing, antagonistic, and unreasonably disruptive. Officer Hopkins also admitted that he had not submitted a request for the overtime pay sought in his complaint until September 4, 2014, even though he had allegedly performed the work one year prior in September 2013. Officer Hopkins further admitted that he did not notify his supervisor about the overtime claim or the work performed at the time that he allegedly performed it. Despite this fact, Officer Hopkins blamed his immediate supervisor for the fact that he had not been paid for the overtime allegedly worked in 2013, further evidencing Officer Hopkins' pattern of insubordinate, harassing, antagonistic, and unreasonably disruptive conduct, and his disrespectful treatment of his chain of command. Additionally, Officer Hopkins acknowledged receiving an order from Commander Jung that he was not authorized overtime if he chose to initiate or respond to work-related emails during any approved leave time, his regular day off, or during non-duty hours. Officer Hopkins admitted that submitting a claim for pay for unauthorized work is a violation of APD policy, as well as insubordination if previously given an order not to do so.

22. **September 4, 2014.** At 7:55 pm and 8:05 pm, Officer Hopkins sent Twitter messages to Mayor Leffingwell and Councilman Martinez claiming "unlawful employment discrimination" by the Department and me, and "retaliation" by me. (See Exhibit 23 attached hereto, and incorporated herein by reference.) At 11:41 pm, Officer Hopkins sent an email to City Manager Ott with a copy to me, complaining that he "may have been denied equal access" to my social media site, and questioning whether his access was denied because he "discussed a matter of public concern." (See Exhibit 24 attached hereto, and incorporated herein by reference.) Officer Hopkins was asked by Internal Affairs if he understood how his public comments could be viewed as "critical" or "derogatory" to me, and Officer Hopkins stated "If you're talking about [Chief's] actions, then I'd say yes, if you're talking about in a disrespectful manner then, no." Officer Hopkins' Twitter messages and late night email are further examples of Officer Hopkins' pattern of insubordinate, harassing, antagonistic, and unreasonably disruptive conduct.
23. **September 8, 2014.** At 12:10 am, Officer Hopkins sent an email to me with a copy to Commander Singletary, City Managers, and his attorneys, complaining that the lawful Duty Status Change order issued to him over two months earlier that placed him on restricted duty was an "unlawful" order. Officer Hopkins claimed that although APD policy "prohibits the obedience of orders that are unlawful," Officer Hopkins obeyed this order "due to fear," and "failed to comply with policy sooner." Officer Hopkins thus demanded that I advise him

where to report by 9:00 am or he would “presume” that he is “merely on administrative leave.” (See Exhibit 25 attached hereto, and incorporated herein by reference.) Again, Officer Hopkins offered no justification for his belated belief that a Duty Status Change order is unlawful. Rather, this email is yet another example of Officer Hopkins’ pattern of willful disobedience and deliberate refusal to comply with lawful orders.

24. **September 9, 2014.** In response to his September 8 email, I advised Officer Hopkins that his Duty Status Change Order was both lawful and in compliance with APD Policy 959. I also stated that clarification was unnecessary given his compliance with the order since the date of its issuance on June 23. Further, I again advised Officer Hopkins that APD policy states that *“your belief that an order is unlawful will not relieve you from responsibility for your failure to obey it, and you will be strictly required to justify your action.”* Additionally, I further advised Officer Hopkins that his *“numerous and continuous e-mails to APD personnel demanding same day responses and expressing complaints in an insubordinate and antagonistic manner are unreasonable and unnecessarily disruptive to the efficient operation of the Department.”* Most importantly, Officer Hopkins was again warned by me: *“Your failure to present your complaints in a reasonable manner or to comply with APD policy and orders shall be considered insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.”* **This email marked the third time that Officer Hopkins was warned by me of the potential serious disciplinary consequences of his insubordinate, harassing, antagonistic and unreasonably disruptive behavior.** (See Exhibit 26, attached hereto, and incorporated herein by reference).
25. **September 14, 16, 2014.** Despite my third warning, Officer Hopkins continued to bypass his chain of command, and once again sent requests for information and documents to me, Mayor Leffingwell, and City Managers in willful disobedience of my lawful orders. (See Exhibits 27-29, attached hereto, and incorporated herein by reference.) In addition to evidencing Officer Hopkins’ pattern of insubordinate conduct, these emails reflect Officer Hopkins’ harassing, antagonistic, retaliatory conduct toward his coworkers, as he once again filed or threatened to file a complaint against an APD employee. In addition to his unprofessional and disrespectful treatment of APD employees, Officer Hopkins stated that he “may be notifying” a criminal defendant’s attorney of his “belief” that the City is withholding information. Officer Hopkins’ communications with and threats to assist criminal defense counsel or their clients charged with crimes, create the potential for a conflict of interest or the appearance of a conflict of interest with his lawful duties as a police officer and with the accomplishment of the Department’s mission and goals.

This Memorandum of Indefinite Suspension highlights, but does not exhaust, the totality of Officer Hopkins’ pattern of insubordinate, harassing, antagonistic and unreasonably disruptive actions that have now spanned more than a year, and continued up to the

present date. The attached exhibits are referenced throughout and incorporated in this Memorandum to provide additional details that should be considered as part of the facts underlying the charges for which Officer Hopkins has been indefinitely suspended.

By these actions, Officer Hopkins violated Rule 10.03(L) of the Civil Service Rules by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department Policy 110.4: Organizational Structure and Responsibility: Employee Responsibilities**

110.4 Employee Responsibilities

Employees are at all times individually responsible for conducting themselves in a professional and ethical manner and for treating coworkers with respect and dignity. The intent of this section is to clearly state that unprofessional behavior will not be tolerated in the workplace. Employees shall maintain loyalty to the Department as is consistent with the law and personal ethics.

➤ **Austin Police Department Policy 110.4.1: Organizational Structure and Responsibility: Chain of Command**

110.4.1 Chain of Command

Employees are responsible for knowing their chain-of-command and operating within it except when impractical to do so.

- (a) If an employee bypasses the chain-of-command, the employee will notify his affected supervisor as soon as practical.
- (b) When a written directive requires an employee notify an immediate supervisor and the immediate supervisor is not readily available, the employee will:
 - 1. Notify the person designated as the acting supervisor; or
 - 2. Notify his next-level manager; or
 - 3. Notify another supervisor of equal rank/grade with similar responsibilities (e.g., another patrol sergeant, another forensics supervisor).

➤ **Austin Police Department Policy 110.4.3: Organizational Structure and Responsibility: Obedience to Orders**

110.4.3 Obedience to Orders

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. This section also applies to orders received by an employee in the field training program from a Field Training Officer (FTO).

- (a) Orders from a supervisor to a subordinate will be in clear and understandable language, civil in tone, and issued pursuant to departmental business.
- (b) Employees will not publicly criticize nor comment derogatorily to anyone about instructions or orders they have received from a supervisor.
- (c) Employees will promptly obey any lawful order from a supervisor of higher rank, regardless if the supervisor is outside of the employees' chain-of-command.
 - 1. Employees will obey any lawful order from a supervisor even if the order is relayed through an employee of a lower rank.
- (d) Employees who are given an otherwise proper order which appears to be in conflict with an existing policy or previous order will respectfully inform the supervisor issuing the order of the conflict.
 - 1. If the supervisor issuing the order does not alter or retract the conflicting order, the order will stand.
 - 2. The supervisor issuing the conflicting order will be responsible for the consequences, if any, of the conflicting order.
- (e) Employees who are given an order which they believe violates a provision of a Meet and Confer Agreement, constitutes a safety hazard, or is in some other way improper, will respectfully inform the supervisor issuing the order of such belief.
 - 1. If the supervisor does not alter or retract the order, the order will stand and will be obeyed.

2. The employee may initiate a formal grievance to seek redress.
- (f) Unlawful orders are prohibited.
1. Supervisors will not knowingly or willfully issue any order which is a violation of any law.
 2. Employees will not obey an order that is a violation of any law.
 - (a) Responsibility for refusal to obey rests with the employee and he will be strictly required to justify the action.
 - (b) Obedience to an unlawful order is not considered a defense for an unlawful action.
 3. If in doubt as to the legality of an order, employees will either request clarification of the order or confer with higher authority.
 - (a) An employee receiving an unlawful order will notify the issuing supervisor that compliance with the order, as issued, is unlawful.
 - (b) If the supervisor does not rescind the order, the employee will request the presence of the next-level supervisor in the chain-of-command.
 - (c) The supervisor will contact the next-level supervisor and request his presence at the scene.
 4. An employee receiving an unlawful order will report that fact in writing to the Chief by memorandum through the next-level supervisor in the chain-of-command as soon as practicable. The memorandum will contain the facts of the incident and the actions taken.

➤ **Austin Police Department Policy 110.4.4: Organizational Structure and Responsibility: Insubordination**

110.4.4 Insubordination

Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful

conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

900.3.2 Acts Bringing Discredit Upon the Department

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is prejudicial to the good order, efficiency, or discipline of the Department.
- (b) Employees will refrain from being a party to any malicious gossip, rumor, report or activity, whether written or oral, that would tend to bring discredit to the Department or any member thereof.
 - 1. "Malicious gossip, rumor, report or activity" includes statements made with knowledge of their falsity or made without regard to whether the statements are true or false.
- (c) Employees will not engage in any activity in which there is a potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee.
 - 1. "Conflict of interest" includes any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or agency which would favor one side or the other in conflict with the employee's official duties, or which conflicts with the accomplishment of the Department's mission or goals.

AGGRAVATING FACTORS

In determining the appropriate discipline, I took into consideration Officer Hopkins' pattern of willful disobedience of lawful orders and his deliberate refusal to comply with APD policies that are essential to the good working order of the Department. Obedience to lawful orders and operating within the chain of command are essential for the safe and prompt performance of law enforcement operations. Despite the fact that Officer Hopkins

was repeatedly reminded that APD policy states that "responsibility for refusal to obey rests with the employee and he will be strictly required to justify the action," Officer Hopkins admitted to Internal Affairs that his only justification for his continued willful disobedience of and deliberate refusal to obey my lawful orders was his "belief" that the orders were "unlawful," because his communications are "protected activity" under federal law. As evidenced by the numerous complaints filed by Officer Hopkins with federal and state agencies, and the volume of his communications with these agencies, neither compliance with APD policy nor obedience to my orders prohibit Officer Hopkins, or any other APD employee, from engaging in "protected activity." Insubordination is not a "protected activity." An officer who fails to operate within his chain of command, and who deliberately and repeatedly disobeys the orders of his Chief, cannot safely and effectively execute the responsibilities of his position. Officer Hopkins has engaged in a lengthy pattern of insubordination by disobeying lawful orders and bypassing his chain of command, and has continued to do so despite several warnings and an Internal Affairs investigation. Not surprisingly, Officer Hopkins has consistently refused to recognize that his actions are insubordinate, harassing, antagonistic or unreasonably disruptive. Based on Officer Hopkins' failure to accept responsibility for his actions or to demonstrate a willingness or an ability to comply with APD policy or to obey lawful orders, the Department has no confidence in his ability to safely and effectively perform the duties of an Austin Police officer. Therefore, based on consideration of Officer Hopkins' pattern of insubordinate conduct in violation of APD's policies, indefinite suspension is not only the appropriate discipline but is mandated by APD's Discipline Matrix.

In determining the appropriate discipline, I also took into consideration Officer Hopkins' unprofessional and disrespectful conduct and harassing and antagonizing actions toward his chain of command and his coworkers. An employee who expresses his opposition to an allegedly discriminatory employment practice must do so in an appropriate and reasonable manner. Officer Hopkins' pattern of habitually bypassing his chain of command, repeatedly and deliberately disobeying orders, and expressing complaints in an antagonistic and harassing manner unreasonably disrupted the workplace, and unnecessarily impaired the productivity and morale of the Department. Under APD policy, employees are at all times individually responsible for conducting themselves in a professional and ethical manner, and for treating their coworkers with respect and dignity. Further, APD policy clearly states that unprofessional conduct will not be tolerated in the workplace. As detailed above, and as reflected by the evidence obtained by Internal Affairs, the insubordinate and disrespectful manner in which Officer Hopkins requested information and communicated with his chain of command and his coworkers, and the insubordinate and harassing manner in which Officer Hopkins repeatedly expressed his complaints, unreasonably disrupted the workplace. Additionally, the unreasonable manner in which Officer Hopkins has expressed his complaints brings reproach, discredit, and embarrassment to the Department and the City. Thus, Officer Hopkins' insubordinate, disrespectful and unreasonably disruptive conduct violates APD policy, and further warrants his indefinite suspension.

APD policy also states that employees shall maintain loyalty to the Department as is consistent with the law and personal ethics, and will not engage in any activity in which there is the potential for conflict of interest or the appearance of a conflict of interest. Officer Hopkins' own emails reflect that Officer Hopkins has engaged in communications and activities with criminal defense counsel and persons with pending criminal charges that have the potential for a conflict of interest or the appearance of a conflict of interest with his lawful duties as a police officer. In determining the appropriate discipline, I also took into consideration the potential negative effect that Officer Hopkins' activities may have on his ability to effectively accomplish the Department's mission and goals with regard to the enforcement of law and the prosecution of crimes, as well as the potential damage to the morale of the Department.

Additionally, consideration of Officer Hopkins' prior performance and disciplinary history also warrants indefinite suspension. On November 13, 2013, I temporarily suspended Officer Hopkins for eight days for his violations of APD's policies on "Responsibility to Know and Comply" and "Neglect of Duty" based on his unsatisfactory handling of a call for service, and his failure to exercise sound judgment or discretion in the detention and arrest of a woman. That suspension is currently under appeal and is awaiting the decision of a hearing examiner. Regardless of the outcome of that appeal, the actions described herein warrant indefinite suspension. Evidence obtained during that investigation established that Officer Hopkins' prior supervisors had sought to address previous instances of performance and conduct issues with performance improvement tools, counseling, training and informal disciplinary measures. As evidenced by his current status, none of these prior measures have been successful in correcting or improving Officer Hopkins' performance or conduct.

Further, based on concerns that had been brought to my attention during the pendency of the investigation, and a report from APD's Staff Psychologist, on September 30, 2013, I questioned whether Officer Hopkins was sufficiently physically and mentally fit to continue performing his duties as a police officer, and initiated a "Determination of Physical and Mental Fitness" process under Section 143.081 of the Texas Local Government Code. A board appointed by the Civil Service Commission ultimately determined that Officer Hopkins was fit for duty. Therefore, I can only assume that Officer Hopkins's insubordinate, harassing, antagonistic and unreasonably disruptive conduct that forms the basis for the charges for which Officer Hopkins has been indefinitely suspended is not due to a physical or mental fitness issue, but due to Officer Hopkins' willful and purposeful acts.

Consequently, under all of the facts and circumstances, indefinite suspension is not only appropriate but mandated, and is the unanimous recommendation to me.

By copy of this memo, Officer Hopkins is hereby advised of this indefinite suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) days after receipt of a copy of this memo, a proper notice of appeal in accordance with Section 143.010 of the Texas Local Government Code.

By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Hopkins is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third party hearing examiner, in accordance with the provisions of such Agreement. If appeal is made to a hearing examiner, all rights of appeal to a District Court are waived, except as provided by Subsection (j) of Section 143.057 of the Texas Local Government Code. That section states that the State District Court may hear appeals of an award of a hearing examiner only on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction, or that the order was procured by fraud, collusion or other unlawful means. In order to appeal to a hearing examiner, the original notice of appeal submitted to the Director of Civil Service must state that appeal is made to a hearing examiner.


ART ACEVEDO, Chief of Police

10/30/2014
Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite suspension and I have been advised that if I desire to appeal that I have ten (10) days from the date of this receipt to file written notice of appeal with the Director of Civil Service in accordance with the provisions of Chapter 143 of the Texas Local Government Code.


Police Officer Jermaine Hopkins #6783

October 30, 2014
Date

Exhibit 1



MEMORANDUM

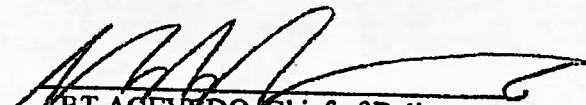
Austin Police Department Office of the Chief of Police

TO: Jermaine Hopkins, *Police Officer*
FROM: Art Acevedo, *Chief of Police*
DATE: April 14, 2014
SUBJECT: Direct Order re: Fitness for Duty Evaluation

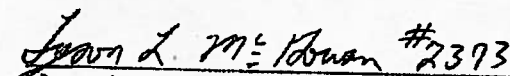
By memorandum dated September 30, 2013, I questioned whether you are sufficiently physically and mentally fit to continue your duties as a police officer, and initiated the Determination of Physical and Mental Fitness process set forth in Texas Local Government Code Section 143.081.

On April 4, 2014, the Civil Service Commission issued the attached Order, pursuant to Texas Local Government Code Section 143.081(d), appointing a three-member board to conduct a psychological examination as part of that process. I am directing you to comply fully with the attached Order of the Civil Service Commission.

Your failure to fully comply with the attached Order or this Direct Order shall be considered an act of insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.

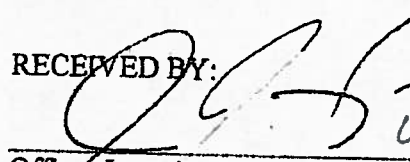

ART ACEVEDO, Chief of Police

ADMINISTERED BY:


Name / Employee # 2393

04/14/14
Date

RECEIVED BY:


Officer Jermaine Hopkins #6783

UNDER
DURESS OF
DISCIPLINARY
ACTION

04/14/2014
Date Received

Attachment: Order of the Commission



**THE CITY OF AUSTIN
FIRE FIGHTERS', POLICE OFFICERS'
AND EMERGENCY MEDICAL SERVICES PERSONNEL'S
CIVIL SERVICE COMMISSION**

ORDER OF THE COMMISSION

The Commission is in receipt of Officer Jermaine Hopkins' personal physician report. Additionally, the Commission's appointed physician, Dr. Casey O'Neal's medical report has been received by the Commission.

After reviewing both medical reports on February 3, 2014, the Commission determined that the reports disagreed. As required by Tex. Local Govt. Code Chap. 143.081(d), the Commission appointed three psychologists (Dr. George Withers, Dr. Robert Silver, and Dr. George Parker) to conduct an examination of Officer Hopkins to determine his mental fitness for duty. On February 26, 2014, these psychologists withdrew from the appointment prior to conducting an examination or producing a report.

The Commission now appoints the following physicians to serve as the three-member BOARD to conduct a psychological examination of Officer Hopkins concerning whether Austin Police Officer Hopkins is sufficiently fit to continue his duties as an Austin police officer.

Dr. D. Ross Miller – Psychologist
Dr. Krista D. Jordan – Psychologist
Dr. Robert M. Setty – Psychologist

The Commission HEREBY ORDERS THIS BOARD to examine Officer Hopkins to determine whether he is sufficiently mentally fit to continue his duties as a police officer for the Austin Police Department, and to provide a report of its findings and determination of fit or not fit, and all supporting documentation and testing data, to the Commission. The Commission will provide the report to Officer Hopkins and the Department.


The Commission HEREBY ORDERS OFFICER HOPKINS to participate in the examination by the BOARD. Participate means, at a minimum, OFFICER HOPKINS shall: (1) submit to all testing and assessments requested by the BOARD; (2) provide his consent, if required by the BOARD and any other physician involved in the fitness for duty process, to allow the BOARD to obtain the information it deems necessary for the examination; (3) provide his consent, if required by the BOARD, to permit the BOARD to communicate with the Commission and any other physicians involved in this fitness for duty process; and (4) provide his consent, if required by the BOARD, for the release of the BOARD'S report to the Commission, along with all documentation and testing data.

FINALLY, the Commission HEREBY NOTIFIES OFFICER HOPKINS, as provided in Tex. Local Govt. Code Chap. 143.081(d), that the decision of the BOARD regarding his fitness for duty is final and may not be appealed or challenged further. The Commission also hereby NOTIFIES OFFICER HOPKINS that he is not responsible for the costs of the examination.

So decided and ordered this 4th day of April, 2014.



Gary Cobb, Commission Chairman



Stephen Edmonds, Commission Vice Chairman



Herbert Martinez, Commission Member

Exhibit 2

[REDACTED]

April 16, 2014

Via FAX at 512-974-2833
& Certified U.S.P.S. Mail -- Return Receipt Requested

Marc Ott
City Manager
City of Austin
301 W. Second Street
Third Floor
Austin, TX 78701



Dear Mr. Ott:

I am an officer with the Austin Police Department. I have been a dedicated employee, who has looked forward to coming to work. I have not been treated as such an employee.

Please accept this letter as my attempt to provide you with a reasonable opportunity address a matter that concerns a written illegal order that I received from Chief Acevedo on April 14, 2014.

I am required to disregard unlawful orders. Additionally, pursuant to the Title I of the Americans with Disabilities Act of 1990 and Title VII of the Civil Rights Act of 1964, I am permitted, by those laws, to engage in reasonable opposition of acts of unlawful employment discrimination.

A copy of this letter is being provided to the appropriate enforcement agencies, as well as the to the City leadership, to apprise them of the current situation that surrounds my employment with the City of Austin.

Additionally, I request that you appoint an independent organization to investigate these, and other, violations of the City of Austin's personnel policies, as committed by the Austin Police Department's command staff, as well as the City of Austin - Human Resources Department's failure to investigate and enforce them.

I have been informed that the City has not investigated my complaints.

The City of Austin has demonstrated that its anti-discriminatory/anti-retaliatory personnel policies are merely "paper policies." These policies, or variations thereof, have been recited to me by those that have been in violation of them, as they were violating the policies.

I have begun to be subjected to various forms of documented adverse treatment by the Austin Police Department's chain-of-command, subsequent to my reporting of racial discrimination to

the Human Resources Department on June 17, 2013. This is indicative that the Human Resources Department is not it is not capable of properly addressing these issues.

You have disregarded my previous requests for assistance. In continuing to turn a blind eye to it, the City, as an employer, you are acting with deliberate indifference to a pattern or practice of employment discrimination.

Please accept this opportunity your agency heads accountable for their unlawful actions. This will significantly reduce the City's liability. I understand that I am not the only person that has endured the discrimination that has been tolerated. The City recently was the subject of a large judgment, resulting from an employment discrimination lawsuit that was initiated by its police officers. It has also come under the U.S. Department of Justice's scrutiny as a result of its practices.

By policing itself, the City can prevent the need for dedicated employees, who enjoy doing their jobs, from having to request the assistance of various federal agencies in order to gain the City's compliance.

Please feel free to contact me at jermaine.hopkins@apd.org [REDACTED] I created this commercial email address because APD suspended my COA network and email access, subsequent to the City being served with my first EEOC Charge of Discrimination.

Respectfully Submitted,


Jermaine A. Hopkins

Cc: Wayne Vincent, President
Austin Police Association
5817 Wilcab Road, Suite 1
Austin, TX 78721
via e-mail

Hon. Lee Leffingwell, Mayor
City of Austin
301 W. Second Street
Austin, TX 78701
via FAX at 512-974-2337

Chris Riley, Councilman
City of Austin
301 W. Second Street
Austin, TX 78701
via FAX at 512-974-3212

Jeffrey Gerdes
U.S. Department of Labor
Wage & Hour Division
300 E. Eighth Street, Room #865
Austin, Texas 78701
via e-mail

Janet Elizondo, Director
U.S. Equal Employment Opportunity Commission
Dallas District Office
207 S. Houston Street, Third Floor
Dallas, Texas 75202
via e-mail

Travis Hicks, Director
U.S. Equal Employment Opportunity Commission
Legacy Oaks, Building A
5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229
via e-mail

U.S. Department of Justice
Civil Rights Division - Employment Litigation Section
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

U.S. Department of Justice
Civil Rights Division – Disability Rights Section
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Exhibit 3

From: Jermaine Hopkins [REDACTED]
Sent: Saturday, April 26, 2014 23:26
To: Ott, Marc
Cc: Acevedo, Art; tplohetsky@ [REDACTED]; jchang@ [REDACTED];
corourke@ [REDACTED]; Washington, Mark; Leffingwell, Lee; dlane.webb@eeoc.gov
Subject: Chief Acevedo's Unlawful Order

Dear City Manager Ott:

This email is to notify you, that I have not received any clarification in regards to Chief Acevedo's unlawful order, dated April 14, 2014. My temporary APD chain-of-command, who presented me with order on behalf of Chief Acevedo, is aware that I believe that the order is unlawful. You have also been informed of this situation. However, to date, I have not received any clarification, modification, or retraction of the order. Given the circumstances, I believe that I am, and that I will continue to remain, in compliance with APD policy in my response to the unlawful order.

Additionally, I am concerned about the suspensions that were discussed in an April 9, 2014 Austin-American Statesman article, *Memo: Two Austin officers suspended for prisoner escape*. It is not only the length of the suspension that concerns me, I am also concerned about the degree in which race may have played a factor, not only in the chief's decision to investigate the officers, but in the discipline process, too.

Last year, a Hispanic APD lieutenant was investigated and suspended for an alleged policy violation, however, two white lieutenants were not investigated for an alleged policy violations, or criminal violations.

I ask that race not continue be a factor when generating allegations, or in the chief's disciplinary decisions. In 2012, a Caucasian officer neglected her duties and failed to arrest a suspect for possession of marijuana, a Class B misdemeanor. However, Ofc. Williams was suspended for not issuing a Class C misdemeanor citation.

Another, Caucasian officer issued a citation to a vehicle owner for expired motor vehicle registration, but was not investigated, even though the vehicle was located on private property. the same officer was had issued approximately seven citations in a month, but his neglect of duty was laughed-off by the chain-of-command.

Fortunately for these officers, they have not expressed their concerns, as they probably would be subjected to the questioning of their fitness, too. However, I invite you to review my IAD interrogation transcript (IAD Case #2013-0521), as well and my memorandum.

The City leadership has stated that it wants a police department that is accountable to the public. However, accountability starts at the top, not at the bottom. History has taught us, that a public official cannot basque in the media spotlight when things appear beneficial, but hide behind a spokesperson when the situation is on the contrary.

While I was deployed to Iraq, this is something that my chain-of-command taught me, as we trained Iraqi police. We were trying to rid instill integrity into the Iraqi police force at the rank and file level. However, our efforts failed to reach fruition until our efforts began at the top of the Iraqi police structure.

I believe that the City leadership has a public responsibility to the to end these current discriminatory employment practices which are currently taking place within the City of Austin government. Additionally, I believe that APD policies should become more clear, as this will prevent their arbitrary application. City Manager Ott, so far, it does not appear that you are interested in rectifying the situation.

Jermaine A. Hopkins

"If discrimination...is constitutionally permissible when those who hold the reins can come up with 'compelling' reasons to justify it, then constitutional guarantees acquire an accordion-like quality."

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

Exhibit 4

From: Acevedo, Art
Sent: Monday, April 28, 2014 15:56
To: 'jermaine.hopkins'; [REDACTED]
Cc: Ott, Marc; McDonald, Michael [APD]; Washington, Mark; APD Chiefs; Jung, Michael; McGowan, Tyson
Subject: My April 14 Order

Officer Hopkins,

I was copied on your April 26 request for a "clarification" of my April 14, 2014 Order. My April 14 order directs you to fully comply with the April 4 order of the Civil Service Commission which appointed a three member board to conduct a psychological examination of you in compliance with Texas Local Government Code Section 143.081(d). Your compliance with the Commission's April 4 Order is necessary to complete the statutory "Determination of Physical and Mental Fitness" process initiated by me in September 2013.

As set forth in my April 14 Order, your failure to fully comply with either the April 4 Order of the Civil Service Commission or my April 14 Order shall be considered an act of insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension. If you have any further questions regarding my April 14 Order or any order of the Austin Police Department, please raise that question directly up through your chain of command as set forth in APD policy.

Art Acevedo
Chief of Police

Exhibit 5

From: Jermaine Hopkins [REDACTED]
Sent: Wednesday, April 30, 2014 10:21
To: Ott, Marc; Acevedo, Art; Leffingwell, Lee; Manley, Brian; Jung, Michael
Cc: Nadia Stewart; Wayne Vincent; DIANE WEBB
Subject: Noted lack of response

On 04/28/2014, Chief Acevedo repeated the illegal order that he gave me on 04/14/2014, emphasizing that my failure to comply with the illegal order will be considered insubordination (which APD policy defines as disobedience of a lawful order). The Chief further indicated that any protected activity will be met with disciplinary action, up to and including indefinite suspension.

Chief Acevedo failed to provide the necessary clarification, indicating that I am expected to waive the protections that I am provided in accordance with the Americans with Disabilities Act of 1964 (ADA). 42 U.S.C. § 12112.

Yesterday, via an e-mail to the City Manager through the Chief, I provided Chief Acevedo with an opportunity to clarify what he was requiring, if he his order was not unlawful, but he refused to do so.

Additionally, the City Manager (and, Asst. City Manager) and the Chief continue to deny me any form of redress in regards to the adverse actions that I continue to endure. This is further indicated by the refusal to respond. In January 2014, I provided Chief Acevedo with a memorandum in regards to retaliation, but he ignored it. The e-mail was sent to the e-mail address that the Chief e-mailed me from on 04/28/2014.

Because the Chief has made it evident that his order was illegal, and has failed to clarify or retract it, I have been forced to disregard it in opposition of the order's discriminatory nature, as defined by the ADA. However, I will submit to the medical examination to the degree that it is job related and consistent with business necessity. I must admit that this will be difficult to determine, as previously indicated, the City has not been forthcoming throughout this ordeal and the medical examination was merely in response to my participation in protected activity. The Chief has not denied this.

Respectfully submitted,

Jermaine Hopkins

Ofc. Jermaine Hopkins #6783

Sent from my iPhone

Exhibit 6

From: Jermaine Hopkins [REDACTED]
Sent: Wednesday, May 28, 2014 18:05
To: Acevedo, Art; Ott, Marc; Leffingwell, Lee
Cc: DIANE WEBB; NORMA GUZMAN; TRAVIS HICKS; JANET ELIZONDO;
jacqueline.berrien@eeoc.gov; Nadia Stewart; Wayne Vincent
Subject: Fitness For Duty Evaluation

Gentlemen:

As you are aware, I have been stating all along that the *questioning* of my mental/physical fitness was merely in response to my EEOC protected activity. Today, the City has received a report which indicates that the City's own board of three doctors have rendered a report which has determined that I possess the present ability to safely perform the essential functions of my job.

I would like to know when my restricted duty will end. Can you please advise?

I look forward to my return to my shift (F500's).

City Manager Ott: Please accept this as my formal request for a meeting to discuss the City's discriminatory actions, as well as those of the Chief.

Mayor Leffingwell: Will there be an investigation in regards to all of the claims that I have made against the City? At this point, I believe that one is warranted.

Additionally, I would like to receive a date that I can expect to receive the responsive items to my written requests for public information, including those that the City has waived exemption to the Act (9/6/2013, 2/23/2014, and 4/30/2014 requests).

Respectfully,
Ofc. Jermaine Hopkins #6783

Sent from my iPhone

Exhibit 7

From: Acevedo, Art
Sent: Thursday, May 29, 2014 17:26
To: [REDACTED] Hopkins, Jermaine
Cc: APD Chiefs; Singletary, Antonia; McGowan, Tyson; Daniels, David; APD Law
Subject: Civil Service Commission - Chain of Command

Officer Hopkins,

APD received the report of the panel of doctors appointed by the Civil Service Commission yesterday, and is presently reviewing the findings and recommendations made by the panel to address the legitimate concerns regarding your "psychological functioning" to ensure that your return to duty is a successful one.

All officers returning to duty after a separation of 90 days or more are required to attend and successfully complete the Returning Officer Program. You will be notified by APD HR of your report date and time to begin the Returning Officer Program next week. After careful consideration of the panel's recommendations and your successful completion of the Returning Officer Program, your chain of command will determine your duty assignment based on the needs of the Department.

All APD employees are expected to follow the command protocol and to know and comply with all APD policies, specifically the policies set forth in APD Policy 110 "Organizational Structure and Responsibility," including the requirement to know your chain of command and to operate within it, and obedience to orders. In compliance with APD policy, any questions regarding your return to duty or any other work-related issues should be directed to and will be addressed by your chain of command.

Please be advised that until further notice, due to a pending retirement your chain of command is as follows:

Sergeant D. Daniels
Lieutenant T. McGowan
Commander A. Singletary
Assistant Chief B. Manley

Art Acevedo
Chief of Police
Art Acevedo
Chief of Police

Exhibit 8

From: Acevedo, Art
Sent: Friday, May 30, 2014 18:23
To: 'jermaine.hopkins'; Leffingwell, Lee
Cc: APD Law; APD Chiefs; Ott, Marc; McDonald, Michael [APD]
Subject: Re: Public Information Request

Officer Hopkins,

As an APD officer and City employee, you should know that the role of Police Chief and Mayor does not include the receipt and processing of open records requests.

You are hereby ordered to cease and desist from sending any further open records requests or communications regarding the status of your open records requests to me, the Mayor, or the City Manager's Office.

Based on your current and prior practice, you are fully aware that the appropriate place to send your open records requests is to www.austintexas.gov/plr or to Renee.Moore@austintexas.gov.

Failure to comply with this order shall be considered an act of insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.

I look forward to your return.

H. A. ACEVEDO
Chief of Police
Art Acevedo
Chief of Police

From: Jermaine Hopkins
Sent: Friday, May 30, 2014 05:04 PM
To: Acevedo, Art; Leffingwell, Lee
Subject: Public Information Request

Please promptly provide me with copies of the probable cause affidavits, offense reports, R2R notes & details, photos, and DMAV in regards to the arrest of Mr. Pete Hernandez, H/M. He was arrested on June 7, 2012 at a Walmart in Austin.

If you wish to withhold redact any portion(s) of this information, please request an Attorney General ruling.

Please mail this information to me at: Jermaine Hopkins, [REDACTED]

Additionally, to date, the City has not provided me with my requested information that pertains to the arrest of a Mr. Carlos Chicon.

Jermaine A. Hopkins

Austin Resident

***"If discrimination...is constitutionally permissible when those who hold the reins can come up with
'compelling'
reasons to justify it, then constitutional guarantees acquire an accordion-like quality."***

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

Exhibit 9



City of Austin

City Manager's Office

P. O. Box 1088, Austin, TX 78767
(512) 974-2200, Fax (512) 974-2833

Marc A. Ott, City Manager
Marc.Ott@ci.austin.tx.us

May 30, 2014

Officer Jermaine Hopkins
[REDACTED]
[REDACTED]

Dear Officer Hopkins,

The City Manager asked that I respond to your email of May 28, 2014 concerning the investigation of work-related claims. I have been advised that APD personnel as well as City staff from several other departments are already conducting internal investigations and are cooperating with independent agencies in response to these complaints made by you:

1. Discrimination and retaliation claims filed with the Equal Employment Opportunity Commission;
2. Claims for unpaid overtime filed with the Department of Labor; and
3. Complaints regarding the handling of open record requests you made concerning your work-related issues.

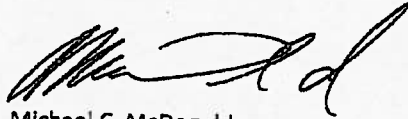
If any of these investigations conclude that the City has violated any personnel policies, Departmental policies, or legal requirements, management will take appropriate action. No further communication by you with elected City officials or City management is necessary to address these complaints.

If you have additional complaints that are not already being investigated as detailed above, you are invited to bring these to the attention of Jeff Burton, Employee Relations Manager, Human Resources Department, at (512) 974-3310 or Jeff.Burton@austintexas.gov. The City has a strong policy that protects employees who make complaints in good faith and in an appropriate manner about workplace issues, and you will not be penalized for raising any such issues in that way.

You are also reminded that the Austin Police Department is governed by civil service law and its organizational structure. Under this structure, the chain of command protocol is critical to meet the mission and goals of APD and to provide the best possible service to the public. All APD employees are expected to follow the command protocol, specifically as set out in APD Policy 110 "Organizational Structure and Responsibility," including the requirement to know your chain of command and follow it for work-related issues.

Questions regarding your current duty status or other issues related to your employment with APD should be directed to and will be addressed by your chain of command.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. McDonald". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael C. McDonald
Deputy City Manger

Cc: Marc Ott, City Manager
Art Acevedo, Chief of Police
Mark Washington, Director, Human Resources

10-11-11 10:11 AM 10/11/11

Exhibit 10

From: Jermaine Hopkins [REDACTED]
Date: June 13, 2014 at 12:42:20 CDT
To: Robles Dianna <Dianna.Robles@austintexas.gov>
Cc: Everard Quintanilla <quintanilla.everard@dol.gov>, Jeff Gerdes <gerdes.jeffrey@dol.gov>
Subject: My Earned Overtime

Ms. Robles:

Please provide me with information that pertains to my Jan 2014 requests for overtime compensation that resulted from my compliance with your request for information. In response to your requests for information, I wrote a letter to you and it was submitted to you. I understand that you did not address these requests, this is in spite of the fact that you were copied on communications that discussed them.

Additionally, please provide me with a copy of the COA policy which addresses the inquiry that you have conducted in regards to my overtime requests.

I'd also like a copy of my April 30, 2014 OT form which was submitted to you.

Sincerely,

Ofc. Jermaine Hopkins #6783

Sent from my iPhone

Exhibit 11

From: jermaine.hopkins [REDACTED]
Subject: Re: My Earned Overtime
Date: Tue, 17 Jun 2014 16:32:50 -0500
To: Dianna.Robles@austintexas.gov
CC: gerdes.jeffrey@dol.gov; quintanilla.everard@dol.gov

Thanks. Can you advise me of a date when I should expect to receive the correspondence? I requested some of the information in January.

Ofc. Jermaine Hopkins #6783

Sent from my iPhone

On Jun 17, 2014, at 16:25, "Robles, Dianna" <Dianna.Robles@austintexas.gov> wrote:

Be advised I am in receipt of your email dated June 17th and correspondence will be forthcoming. Thx.

Dianna Robles

On Jun 17, 2014, at 3:23 PM, "Jermaine Hopkins" <jermaine.hopkins> wrote:

Ms. Robles:

I have asked for the COA policy which pertains to the legitimacy and process of your inquiry/"investigation" on more than one occasion. To date, you have been non-responsive.

You have also failed to respond to my request for records that are regularly provided to those who are similarly situated to me. This has me very concerned.

Please provide me with this requested information. Additionally, I'd like a copy of all of the information which pertains to your findings.

Ofc. Jermaine Hopkins #6783

Sent from my iPhone

Exhibit 12

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, June 19, 2014 00:01
To: Robles, Dianna
Cc: Acevedo, Art; Ott, Marc; Leffingwell, Lee; McDonald, Michael [APD]; Washington, Mark
Subject: FW: My Earned Overtime

Ms. Robles:

I continue to remain concerned in regards to these matters that pertain to my unpaid earned overtime wages. My concern is exacerbated by your unwillingness to respond to simple questions such as the one posed in my e-mail, dated June 17, 2014 at 1632 hrs. (below).

Based upon your refusal to answer any of the questions or provide the requested information (below), I believe that sufficient time has elapsed to safely presume that I will not receive a response.

Chief Art Acevedo and Assistant City Manager Michael McDonald have previously indicated that my chain-of-command *will* answer my questions. My chain-of-command, due to my EEOC Charge filing, continues to refuse to answer my questions and keeps directing me to address my questions to you, but unfortunately you also continue to demonstrate your refusal to address them in a timely manner.

Therefore, as a result of the unlawful discrimination and retaliation that has/is taking place, I hereby direct all of the questions and requests below to City Manager Marc Ott. I have previously informed the City that I believe that the withholding of my earned overtime income is a result of my EEOC charge filing, and I understand that the Chief has previously indicated, that I am not allowed to engage in protected activity, even threatening me with disciplinary action (up to and including indefinite suspension). However, I would like these questions answered, and they are not being/have not been answered in the manner that Asst. City Manager McDonald and Chief Acevedo have required. Personally, I would rather address these issues to my chain-of-command because it would be more simple, but the chain-of-command has been uncooperative.

Sincerely,
Ofc. Jermaine A. Hopkins #6783

Austin Police Department
715 E. Eighth Street
Austin, Texas 78701

*"If discrimination...is constitutionally permissible when those who hold the reins can come up with
'compelling'*

reasons to justify it, then constitutional guarantees acquire an accordion-like quality."

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

From: jermaine.hopkins [REDACTED]
Subject: Re: My Earned Overtime
Date: Tue, 17 Jun 2014 16:32:50 -0500
To: Dianna.Robles@austintexas.gov
CC: gerdes.jeffrey@dol.gov; quintanilla.everard@dol.gov

Exhibit 13

Sent from my iPhone

On Jun 19, 2014, at 13:59, "Robles, Dianna" <Dianna.Robles@texas.gov> wrote:

Officer Hopkins,

Be advised the City has the right and authority to investigate any allegation that its pay practices do not comply with the applicable legal rules. Your initial complaint to Lt. Reyes about the way your overtime requests were handled is such an allegation, and therefore the matter was investigated. The City's investigation was conducted to ensure pay administration complied with the City's policies and law, and based on our findings specific remedies were recommended to the Austin Police Department as appropriate (see attached Executive Summary).

The City's investigation of your overtime claim was an administrative review of pay practices, not a disciplinary investigation. While the investigation we conducted was internal to the City, we did take steps to share our findings with the Dept. of Labor (DOL). While DOL's review is independent from the City's, I misunderstood that DOL would share the facts we gathered with you directly, as that appears to not have occurred.

Attached you will find documents responsive to your request pertaining to your wages. Going forward, any future communications that have already been addressed will not be responded to. As previously directed and in order for the City to be responsive to your concerns, you should direct any questions or concerns to your chain-of command.

Dianna M. Robles, SPHR

Quality Assurance Manager
Human Resources Department
T: 512-974-3489
dianna.robles@austintexas.gov

Exhibit 14

Chief of Police

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, June 19, 2014 4:11 PM
To: Robles, Dianna
Cc: Acevedo, Art; Ott, Marc; Leffingwell, Lee; McDonald, Michael [APD]; Washington, Mark; Quintanilla, Everard - WHD (Quintanilla.Everard@dol.gov); Daniels, David; McGowan, Tyson; Manley, Brian; DIANE WEBB; TRAVIS HICKS; JANET ELIZONDO; jacqueline.berrien@eeoc.gov
Subject: Re: My Earned Overtime

Ms. Robles:

Your email fails to address the January 2014 overtime that resulted from the letter that you requested that I write for you, which I did in compliance with Cmdr. Jung's order that I cooperate with you. Due to my segregation from the Department because of my EEOC, I was forced to use personal/non-COA resources to facilitate this. While the call-back time is provided for in APD policy and in the COA/APD meet and confer agreement. In retaliation for my wage and hour complaint to the U.S. Department of Labor, as I informed City Manager Marc Ott and Chief Art Acevedo in January 2014 (which they disregarded), Cmdr. Jung denied my overtime submissions. Because he ordered me to comply with you, Cmdr. Jung authorized that work which I had to rely on my external resources. **What is the status of that overtime?**

I believe that you were copied on the email communications that denied the overtime.

On several occasions, since January 2014, I have asked you for the policies that pertain to this type of inquiry, and despite the fact that your email below states that the responsive information is attached, the policies have not been provided to me.

Again, please provide me with the requested policy. Does one even exist?

I understand, as with everything else, the city is attempting to deflect responsibility in regards to my receipt of the information that I requested from you...this time attempting to pass blame off to the U.S. Department of Labor. However, please understand that I am not employed by the U.S. Department of Labor, nor are Mr. Quintanilla or Mr. Gerdes my supervisors. It is not their responsibility to communicate information with me...it is the City's! However, because of my EEOC charges, the City continues to refuse to do so. City Manager Ott still has not addressed my questions that I posed yesterday. Unfortunately, because APD has refused to do it, I am forced to direct such communications to him although I am met with similar silence (I was surprised when I received a letter from Asst. City Manager McDonald, although it essentially informed me that the city leadership is not interested in the issues that have and are taking place at APD, but nonetheless, merely the receipt of a response was surprising). Either way, the City and APD need to comply with the law, as this would have avoided many of these issues for which it is retaliating against me.

As I have previously indicated, chain-of-command has directed me several times to direct my questions to you. Based upon the irritated-tone of your email, it is apparent that you also know that such a requirement is out of common practice, and inconsistent with APD policy. But, again my questions keep being met with "contact Ms. Robles." However, although surprised yet again, I am glad that someone from the City has finally stated that my chain-of-command, not COA Human Resources, needs to address these issues. Again, due to my protected activity, that has not been the case.

Would you like a copy of the communications that instruct me to contact you?

I can so provide a copy of a communication that I sent to Asst. Chief Brian Manley, which he ignored. Would you like a copy of that one, too?

In response to his requirement that I use my chain-of-command, I have asked Chief Acevedo, via my chain-of-command, about my chain-of-command's refusal to address my questions...he has not responded. So, with these City actions how does using the chain-of-command facilitate the City's ability to address my concerns? Wouldn't such disregard of an employee's questions/concerns be counter productive to what you have indicated?

City Manager Ott: Although past practice has indicated that you will also not respond to me due to these circumstances, I will ask this question anyways: who should I address my questions to? I am in receipt of conflicting information. Do I address my questions to Ms. Robles? Or, do I address my questions to you? Will either party be required to respond? Recently, I have requested a meeting with you in regards to my continuous discrimination. Had you responded, such a meeting would have addressed this issue. The conflicting directives should serve to further indicate, not only a serious disconnect, but also the City's failure to comply with its own policies, and when it does comply, it does so in very inconsistent manner.

**Respectfully,
Ofc. Jermaine Hopkins #6783**

Sent from my iPhone

Exhibit 15

From: Acevedo, Art
Sent: Friday, June 20, 2014 09:50
To: 'Jermaine Hopkins'; Robles, Dianna
Cc: Manley, Brian; Singletary, Antonia; McGowan, Tyson; Daniels, David
Subject: RE: My Earned Overtime

Officer Hopkins,

As Commander Jung's January 16, 2014 email fully advised you, your January 10, 2014 claim for overtime was denied because the work was performed after Commander Jung reminded you of APD's overtime policy and specifically advised you that you are not authorized overtime if you choose to perform work during any approved leave time or on your regular day off or during non-duty hours.

On May 29 and 30, 2014, I ordered you to comply with APD policy regarding operating within your chain of command. Your email below, as well as the one you sent earlier that same day, direct work-related issues to the Mayor and CMO that should be raised with your chain of command. Your statement that your chain of command has been "uncooperative" is simply not true. On June 12, your chain of command provided you with information regarding the results of HRD's investigation into your overtime claims and advised you that all compensation will be reflected on your June 20 earnings statement. Your chain also advised you to contact Ms. Robles if you had any questions regarding the investigation. Any issue you take with Ms. Robles' alleged failure to respond to your questions within 48 hours should have been addressed to your chain of command which has previously been clearly identified for you.

APD Policy states that refusal to obey an order rests with the employee and he will be strictly required to justify his action. Any future failure to comply with my May 29 and 30 and this order, shall be considered an act of insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.

If you still are unclear regarding what APD policy and my orders require of you, you are welcome to schedule a meeting with Assistant Manley or me by contacting Ms. Patricia Gutierrez of my staff at (512) 974-5030.

In closing, I hope your returning officer training is going well.

Regards,

Art Acevedo
Chief of Police

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, June 19, 2014 4:11 PM
To: Robles, Dianna
Cc: Acevedo, Art; Ott, Marc; Leffingwell, Lee; McDonald, Michael [APD]; Washington, Mark; Quintanilla, Everard - WHD (Quintanilla.Everard@dof.gov); Daniels, David; McGowan, Tyson; Manley, Brian; DIANE WEBB; TRAVIS HICKS; JANET ELIZONDO; jacqueline.berrien@eeoc.gov
Subject: Re: My Earned Overtime

Exhibit 16

From: Jermaine Hopkins [REDACTED]
Sent: Friday, June 20, 2014 11:02
To: Acevedo, Art
Cc: Gutierrez, Patricia; DIANE WEBB; TRAVIS HICKS; JANET ELIZONDO;
jacqueline.berrien@eeoc.gov; Jeff Gerdes; Everard Quintanilla; Ott, Marc; Leffingwell,
Lee; Wayne Vincent
Subject: Re: My Earned Overtime

Chief Acevedo:

My communications are protected activity under the FLSA, Title VII of the Civil Rights Act of 1964, and Title I of the Americans with Disabilities Act, therefore, I question the legality of your order.

As I have previously indicated, I have given the chain-of-command the opportunity to address the matters of my discrimination. It has failed to do so.

I also understand that you will subject me to additional adverse employment action if I continue to engage in protected activity. You have previously demonstrated, and continue to demonstrate, the willingness to carry out such action in response to my EEOC Charge filing.

Because I believe that your order is unlawful, I am required to disregard the order until I receive clarification. I have previously requested a meeting with you, and I have not withdrawn my request. To date, I have not received a response.

Ms. Gutierrez: As ordered, I am requesting a meeting with the Chief in regards to seeking clarification of what appears to be another unlawful order. I am also requesting that I be allowed to record the meeting.

Respectfully submitted,
Ofc. Jermaine Hopkins #6783

Exhibit 17

Hopkins #1

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, September 04, 2014 3:02 PM
To: McGowan, Tyson; Singletary, Antonia; Manley, Brian
Cc: Acevedo, Art; Harry Potter; Gary Bledsoe
Subject: Work Related Issue

I would like to receive a pager battery for my pager. Can you please provide one while I am here?

Additionally, I have previously been ordered to direct all work-related issues to the chain-of-command. It appears that the chain-of-command has made itself unavailable to me and is requiring me to deal with the civilian staff at the control booth and with the open records unit in regard to my work-related issues.

I also have not received a response from Cmdr. Singletary in regard to any of the work-related issues that have been directed to her and I am concerned. Asst. Chief Manley has ignored several of my communications also.

I believe that these actions are based upon my my prior EEOC charge filing.

- need immediate resolution to this matter of unlawful discrimination or I will be filing an additional EEOC Charge and a complaint with the City Manager.

I am also being advised, contrary to your earlier statement, that Ms. Cary Grace has told Ms. Colleen Waters to tell me that I cannot receive an invoice for the records. I will be filing a state bar complaint as she is still encouraging communications regarding my employment related matters.

Sent from my iPhone

Exhibit 18

From:
Sent:
To:
Cc:
Subject:

Jermaine Hopkins [REDACTED]
Thursday, September 04, 2014 3:18 PM
McGowan, Tyson; Singletary, Antonia; Manley, Brian
Acevedo, Art; Harry Potter; Gary Bledsoe
Re: Work Related Issue

Hopkins #2

I received two batteries from Ms. Colleen Waters who stated that the CoC gave them to her to give to me.

She stated that the CoC acknowledged receipt of the below e-mail...I have not received a response from any member of my CoC.

Sent from my iPhone

> On Sep 4, 2014, at 15:01, "Jermaine Hopkins"
<jermaine.hopkins [REDACTED]> wrote:
>
> I would like to receive a pager battery for my pager. Can you please
provide one while I am here?
>
> Additionally, I have previously been ordered to direct all work-related
issues to the chain-of-command. It appears that the chain-of-command has
made itself unavailable to me and is requiring me to deal with the
civilian staff at the control booth and with the open records unit in
regard to my work-related issues.
>
> I also have not received a response from Cmdr. Singletary in regard to
any of the work-related issues that have been directed to her and I am
concerned. Asst. Chief Manley has ignored several of my communications
also.
>
> I believe that these actions are based upon my my prior EEOC charge
filing.
>
> I need immediate resolution to this matter of unlawful discrimination or
I will be filing an additional EEOC Charge and a complaint with the City
Manager.
>
> I am also being advised, contrary to your earlier statement, that Ms.
Cary Grace has told Ms. Colleen Waters to tell me that I cannot receive an
invoice for the records. I will be filing a state bar complaint as she is
still encouraging communications regarding my employment related matters.
>
> Sent from my iPhone

Exhibit 19

Hopkins #3

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, September 04, 2014 3:29 PM
To: Acevedo, Art; Gary Bledsoe; Harry Potter
Subject: Request for TCOLE Form L-3

I am seeking a copy of the TCOLE Form L-3 (previously TCLEOSE Form L-3) which was signed by Dr. Carol Logan based upon my pre-hire medical examination.

This was not and is not requested as an TPIA request.

Today, I received a copy of one that does not comply with TCOLE requirements. It also does not comply with my several prior requests. The CoC has failed to address this matter of my employment.

My request stands. Again, I am seeking your compliance with the laws that the EEOC enforces as well as all other applicable laws.

Additionally, I am requesting that the assistant city attorneys stop causing and encouraging communications about matters that I am represented by counsel.

Sent from my iPhone

Exhibit 20

Hopkins #4

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, September 04, 2014 4:56 PM
To: Ott, Marc; McDonald, Michael [APD]
Cc: Acevedo, Art; Harry Potter; Gary Bledsoe
Subject: COMPLAINT - Unlawful Employment Discrimination

Please accept this complaint against Chief Acevedo and my APD Chain-of-Command. My work-related issues are not being addressed as ACM McDonald previously indicated.

Additionally, I remain on house arrest as a result of my previous protected activity. Chief Acevedo and AC Gay may have violated COA policy by subjecting me to this current house arrest and IA investigation on June 23, 2014.

I request that you investigate these actions and take the appropriate correction.

This complaint is made in accordance with COA policies, the ADA, GINA, and Title VII of the Civil rights Act. This communication constitutes protected activity under those laws.

Sent from my iPhone

Exhibit 21

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, September 04, 2014 07:10 PM
To: Acevedo, Art; Leffingwell, Lee
Cc: Ott, Marc; McDonald, Michael [APD]; peacefulstreets@[REDACTED] <peacefulstreets@[REDACTED]>; McGowan, Tyson; Manley, Brian; Singletary, Antonia; jeff.watts@co.travis.tx.us <jeff.watts@co.travis.tx.us>; matt.campbell@co.travis.tx.us <matt.campbell@co.travis.tx.us>; rosemary.lehmberg@co.travis.tx.us <rosemary.lehmberg@co.travis.tx.us>; hpotter@[REDACTED] <hpotter@[REDACTED]>; garybledsoe@[REDACTED] <garybledsoe@[REDACTED]>;
APD Chiefs
Subject: RE: Public Information Request

Chief Acevedo:

As indicated, my May 29, 2014 written request for public information was made in my capacity as a private citizen and as a City of Austin resident. My written request did not pertain to a work-related issue.

As a private citizen, I have a constitutional right to contact my public servants and elected officials about matters of public concern. Furthermore, both you and the mayor do have a statutory obligation to receive and process written requests for public information. This duty is clearly specified in Chapter 552, Texas Government Code. The City Law Department can provide you with further guidance.

I believe that your order was clearly issued in violation of the U.S. Constitution; sec. 39.02 (Abuse of Official Capacity); sec. 39.03, Texas Penal Code (Official Oppression); sec. 552.223, Texas Government Code; and at least *two* previous Texas Attorney General letter rulings. On June 20, 2014, I requested a meeting with you in order to seek clarification of your illegal orders. To date, you have refused to meet with me, provide clarification, amend, or retract your illegal orders (including the one below).

I have recently filed a formal complaint, alleging Official Oppression, against you with the Public Integrity Unit of the Travis County District Attorney's Office and I understand that the complaint has been accepted. By copy of this e-mail, I request that that office present my complaint against you to the Travis County Grand Jury.

Additionally, and by copy of this e-mail, based upon the seriousness of the allegations for which you are under criminal investigation, I request that the City Manager place you on administrative leave pending a determination by a grand jury.

In the meantime, pending the necessary clarification, I am required by APD policy to disregard your below unlawful order and I am requesting that the City Manager immediately rescind your illegal and oppressive order. Lastly, I request that the City Manager order you to refrain from issuing me any further illegal orders and from taking any additional unlawful adverse action against me.

This e-mail also serves to inquire as to the status of my unfulfilled TPIA requests.

Respectfully,
Jermaine A. Hopkins

***"If discrimination...is constitutionally permissible when those who hold the reins can come up with
'compelling'
reasons to justify it, then constitutional guarantees acquire an accordion-like quality."
-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)***

From: Art.Acevedo@austintexas.gov
To: jermaine.hopkins@[REDACTED]; Lee.Leffingwell@austintexas.gov
CC: APDLaw@austintexas.gov; APDChiefs@austintexas.gov; Marc.Ott@austintexas.gov;
Michael.McDonald@austintexas.gov
Subject: Re: Public Information Request
Date: Fri, 30 May 2014 23:22:49 +0000

Officer Hopkins,

As an APD officer and City employee, you should know that the role of Police Chief and Mayor does not include the receipt and processing of open records requests.

You are hereby ordered to cease and desist from sending any further open records requests or communications regarding the status of your open records requests to me, the Mayor, or the City Manager's Office.

Based on your current and prior practice, you are fully aware that the appropriate place to send your open records requests is to www.austintexas.gov/pir or to Renee.Moore@austintexas.gov.

Failure to comply with this order shall be considered an act of insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.

I look forward to your return.

H. A. ACEVEDO
Chief of Police
Art Acevedo
Chief of Police

From: Jermaine Hopkins [REDACTED]
Sent: Friday, May 30, 2014 05:04 PM
To: Acevedo, Art; Leffingwell, Lee
Subject: Public Information Request

Please promptly provide me with copies of the probable cause affidavits, offense reports, R2R notes & details, photos, and DMAV in regards to the arrest of Mr. Pete Hernandez, H/M. He was arrested on June 7, 2012 at a Walmart in Austin.

If you wish to withhold/redact any portion(s) of this information, please request an Attorney General ruling.

Please mail this information to me at: Jermaine Hopkins, [REDACTED]

Additionally, to date, the City has not provided me with my requested information that pertains to the arrest of a Mr. Carlos Chicon.

Jermaine A. Hopkins
Austin Resident

***"If discrimination...is constitutionally permissible when those who hold the reins can come up with
'compelling'***

reasons to justify it, then constitutional guarantees acquire an accordion-like quality."

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

Exhibit 22

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, September 04, 2014 10:59 PM
To: quintanilla.everard@dol.gov <quintanilla.everard@dol.gov>
Cc: Ott, Marc; McDonald, Michael [APD]; Acevedo, Art; sellers.nicole@dol.gov <sellers.nicole@dol.gov>; gerdes.jeffrey@dol.gov <gerdes.jeffrey@dol.gov>; Leffingwell, Lee
Subject: U.S. DEPARTMENT OF LABOR COMPLAINT (APD) - Part 1 of 3

Mr. Quintanilla:

I attached the documents regarding my unpaid wages. Due to their volume, these documents have been scanned into multiple files and will be sent in a series of e-mails. It appears that these wages do qualify as overtime. Please accept the documents as supporting information for the on-going investigation. It was not til August 19, 2014 that I was informed by Lt. McGowan that the City required a memorandum. Had he informed me sooner I could have been properly compensated sooner. Although APD policy does not require this memorandum, I have complied.

I understand that this complain/communication constitutes protected activity under the FLSA.

By copy of this communication, I once again seeking APD's timely compliance with the FLSA.

Respectfully,
Jermaine A. Hopkins

"If discrimination...is constitutionally permissible when those who hold the reins can come up with 'compelling' reasons to justify it, then constitutional guarantees acquire an accordion-like quality."

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

Exhibit 23



Jermaine Hopkins

[Redacted]



@TheLeeTeam Mayor, what are you doing in response to the unlawful employment discrimination that is occurring @Austin_Police by @ArtAcevedo

9/4/14, 7:55 PM





Jermaine Hopkins



@CouncilManMike As mayor,
what would you do about
@Austin_Police unlawful
employment discrimination and
@ArtAcevedo retaliation?

9/4/14, 8:05 PM



Exhibit 24

Hopkins #9

From: Jermaine Hopkins [REDACTED]
Sent: Thursday, September 04, 2014 11:41 PM
To: Ott, Marc
Cc: Acevedo, Art
Subject: Administrative Bulletin #08-05

It appears that I may have been denied equal access to Art Acevedo's social media site that he uses to communicate and receive feedback regarding matters of public concern. If other City of Austin residents are afforded access, I should too. It does not appear that his profile is personal, but instead an official account. I request to be afforded the same access that any other citizen is afforded.

Was my access denied because I discussed a matter of public concern? I do not believe that I did anything unlawful that should warrant the denial of my ability to communicate with my public officials.

My communications were made in my capacity as a private citizen and City of Austin resident.

Respectfully,
Jermaine A. Hopkins

***"If discrimination...is constitutionally permissible when those who hold the reins can come up with
'compelling'
reasons to justify it, then constitutional guarantees acquire an accordion-like quality."***
-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

Exhibit 25

-----Original Message-----

From: Jermaine Hopkins [REDACTED]
Sent: Monday, September 08, 2014 12:10 AM
To: Acevedo, Art
Cc: Singletary, Antonia; Ott, Marc; McDonald, Michael [APD]; Gary Bledsoe;
Harry Potter
Subject: My House Arrest

Chief Acevedo:

In response to an unlawful order that you gave me on June 20, 2014 and my questioning of that order, I was ordered placed back on house arrest one week after I was taken off of it.

Cmdr. Singletary gave me the unlawful order on June 23, 2014. I questioned the illegal order, but she failed to give me the necessary clarification, an amended order, and/or a retraction of the order. Furthermore, she prohibited me from recording the order.

I understand that you are already aware of this unlawful order and I believe that you may have caused its issuance.

APD policy prohibits the obedience of orders that are unlawful. Although my obedience was due to fear, I failed to comply with policy sooner and disregard the order, which I believe violates the ADA and Title VII of the Civil Rights Act of 1964.

Because my house arrest is illegal, not to mention the fact that it is harmful. Please tell me what APD facility to report tomorrow and when to report there. Pending this necessary information, today at 0900 hrs. I will presume that I am merely on administrative leave without the attached house arrest stipulation.

Respectfully,
Ofc. Jermaine Hopkins

Sent from my iPhone

Exhibit 26

Hopkins #10

From: Acevedo, Art
Int: Tuesday, September 09, 2014 9:21 AM
To: 'Jermaine Hopkins'
Cc: Manley, Brian; Singletary, Antonia; McGowan, Tyson; Daniels, David
Subject: RE: My House Arrest

Officer Hopkins,

Your email below is yet another example of a pattern of your continued failure to follow APD policy with regard to operating within your chain of command and obedience to orders. Commander Singletary's Duty Status Change Order dated June 23, 2014 is both lawful and in compliance with APD Policy 959. The lack of need for any clarification of the June 23, 2014 order is established by your compliance with the order since the date of its issuance. As APD policy states and as you have repeatedly been advised, your belief that an order is unlawful will not relieve you from responsibility for your failure to obey it, and you will be strictly required to justify your action.

Additionally, your numerous and continuous emails to APD personnel, including your chain of command, containing previously-addressed requests, demanding same day responses, and expressing complaints in an insubordinate and antagonistic manner are unreasonable and unnecessarily disruptive to the efficient operation of the Department. Your failure to present your complaints in a reasonable manner or to comply with APD policy and orders shall be considered insubordination for which you will be subject to disciplinary action, up to and including indefinite suspension.

Art Acevedo
Chief of Police

Exhibit 27

Hopkins#11

From: Jermaine Hopkins [REDACTED]
nt: Sunday, September 14, 2014 12:39 PM
To: Acevedo, Art
Cc: rosemary.lehmberg@co.travis.tx.us; Ott, Marc; Leffingwell, Lee; jeff.watts@co.travis.tx.us; matt.campbell@co.travis.tx.us; peacefulstreets@[REDACTED] garybledsoe@[REDACTED] hpotter@[REDACTED]
Subject: FW: Pete Hernandez arrest TPIA request

Chief Acevedo:

I am writing to you in my capacity as a private citizen and as a resident of the City of Austin. It is in said capacity that I am expressing the matters of public concern as it pertains to transparency, open government, and civil rights/discrimination.

Specifically, I am addressing Ms. Renee Moore's false statement in her below September 4, 2014 e-mail which indicates the Austin Police Department's withholding of public information that I requested from you on May 30, 2014. Furthermore, it serves as an additional example of non-uniform treatment (sec. 552.223, Texas Government Code).

Ms. Moore has indicated in her below e-mail that there is not any DMAV or photographs relating to the seizure of Mr. Pete Hernandez' person and the Austin Police Department's use-of-force against him. This incident occurred at a Walmart in Region IV (Frank sector).

Ms. Moore's claim that there is not any video relating to this incident is inconsistent with the fact that video of the incident was previously released by the Austin Police Department *prior* to the May 30, 2014 request that you received (which you acknowledged receipt of) and prior to Ms. Moore's September 4, 2014 claim, via a public information request, to attorney Robert Ranco. According to the Act, records are public information once they are released.

This is a KXAN link to the video that was previously released by the Austin Police Department on or before May 30, 2014: <http://kxan.com/2014/05/30/suit-apd-officers-tackled-wrong-guy/>

In my May 30, 2014 request, I asked that you seek a ruling from the Attorney General. I understand that the Attorney General authorized the Austin Police Department to withhold some information, but his office ordered the release of the remaining information that was responsive to my request. This did not occur and I believe that it may constitute a violation of sec. 552.353, Texas Government Code, a class B Misdemeanor.

I understand that the Austin Police Department's response to the Pete Hernandez incident is not consistent with how it has responded to other incidents when administering disciplinary action to other officers.

By copy of this e-mail, I am filing a formal complaint with the Public Integrity Unit of the Travis County District Attorney's Office. I understand pursuant to the Texas Public Information Act that a violation under sec. 552.353, Texas Government Code constitutes official misconduct.

Respectfully,
Jermaine A. Hopkins

"If discrimination...is constitutionally permissible when those who hold the reins can come up with 'compelling' reasons to justify it, then constitutional guarantees acquire an accordion-like quality."
-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

From: jermainehopkins [REDACTED]
Subject: Fwd: Pete Hernandez arrest TPIA request
Date: Sun, 14 Sep 2014 02:26:12 -0500
To: jermaine.hopkins [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Jermaine Hopkins [REDACTED]
Date: September 4, 2014 at 11:56:37 CDT
To: "Moore, Renee" <Renee.Moore@austintexas.gov>
Subject: Re: Pete Hernandez arrest TPIA request

Please advise me with a letter as required by TPIA. It does not appear that any discipline was administered for the policy violation of not using the camera.

Unfortunately, I believe that the City is withholding it. In addition to the appropriate law enforcement agencies, I may be notifying Mr. Hernandez' attorney.

Sent from my iPhone

On Sep 4, 2014, at 10:57, "Moore, Renee" <Renee.Moore@austintexas.gov> wrote:

We failed to notify you that there is no DMAV or photographs related to this case.

Renee Moore
Open Records
Austin Police Department

-----Original Message-----

From: Jermaine Hopkins [REDACTED]
Sent: Sunday, August 31, 2014 9:39 AM

To: Smiley, Allen; Moore, Renee

Subject: Pete Hernandez arrest TPIA request

It appears that I may not have received all of the information that I have requested pertaining to the aforementioned subject. To date, the City has not provided that these items do not exist.

Additionally, it does not appear that the missing items were included in any request to the Texas Attorney General seeking to withhold these items.

Therefore, please promptly provide me with either the TPIA prescribed certification indicating that the items do not exist, if applicable, or with the remaining responsive items.

Jermaine Hopkins

Exhibit 28

Hopkins #12

From: Jermaine Hopkins [REDACTED]
Sent: Sunday, September 14, 2014 12:42 PM
To: Acevedo, Art
Cc: Ott, Marc; Leffingwell, Lee; rosemary.lehmberg@co.travis.tx.us;
peacefulstreets@[REDACTED] matt.campbell@co.travis.tx.us; jeff.watts@co.travis.tx.us
Subject: Request for Public Information

It is in my capacity as a concerned private citizen/City of Austin resident that I am generating this communication in order to: 1) request public information (pursuant to sec. 552.221, Texas Government Code); and, 2) discuss with my elected/appointed City of Austin public officials a very serious and continuing matter of public concern, to wit, a violation of the Texas Public Information Act (sec. 552.353, Texas Government Code).

Pursuant to sec. 552.223, Texas Government Code, "[t]he officer for public information or the officer's agent *shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.*"

I have previously submitted a request for public information, the scope of which encompassed the information responsive to the request that is contained within this communication, however, to date, I still have not received all of the information that is responsive to my prior request.

It does not appear that the Austin Police Department has submitted a request to the Texas Attorney General indicating its desire, based upon an exception contained in the Texas Public Information Act, to withhold the items that are/were responsive to my previous request, and are also responsive to this request for public information (my application to the officer for public information and to the agent of the officer for public information. Such request, pursuant to sec. 552.301, Texas Government Code, and a ruling from the Texas Attorney General--agreeing with the request--are required *prior* to the officer for public information, or the officer's agent's decision to deny the release of public information.

REQUEST FOR PUBLIC INFORMATION

Outside of the scope of any and all ordinary job duties that may/may not pertain to any public employment relationship that I may/may not have with the City of Austin, I hereby submit this additional for suitable copies--as defined by Attorney General Ruling No. 606 (1992)--of the following public information, which would have been responsive to my previous request:

Any and all MDC CAD messages between F606 and F690 (Brent Dupre) that pertain occurred within one hour after F606 began transport to the Travis County Jail (Central Booking) of two intoxicated subjects that F606 arrested for Public Intoxication during during APD Incident #11-3581326 in the parking lot of the Fiesta Foods located off of the S. IH-35 southbound frontage road and E. Stassney Lane. Specifically, I am seeking the CAD/MDC communications between F606 and F690 pertaining to the F606's R2R which took place during the above specified time and contains/includes F690's response to F606 that F606 would not have done anything different during the incident/R2R.

NOTE: The transport begin time should/will be located in the CAD history of this incident which can also be accessed via APD's Visinet software.

On May 18, 2014, at 10:29 PM, I submitted a request to the City of Austin's Communications and Public Information Office, via the City of Austin's Public Information Request website (www.austintexas.gov/pir). My request, which was eventually forwarded to the APD Open Records Coordinator, prompted the following acknowledgement e-mail from the city:

From: Communications and Public Information Office (public.information@austintexas.gov)
Sent: Sun 5/18/14 10:29 PM
To: jermaine.hopkins [REDACTED]
Submitted on May 18, 2014 - 22:29
Submitted by user:
Submitted values are:

To: Communications and Public Information Office

--From:--

First Name: Jermaine

Middle Initial: A

Last Name: Hopkins

Address (Line 1): [REDACTED]

Address (Line 2):

City: Austin

State: Texas

ZIP Code: [REDACTED]

Phone Number: [REDACTED]

Fax Number:

Email: jermaine.hopkins [REDACTED]

--Request Details--

Subject: Cad Messages - Hopkins/Dupre

I am requesting the following: Copies of Record(s)

State the requested document(s) or record(s) below: Please provide me a copy of all CAD messages between myself and Sgt. Brent Dupre. If any information will be withheld/redacted, please request a ruling from the Texas Attorney General.

Comments/Additional Information (if needed): If you have any questions in regards to this request for public information, please feel free to contact me at the aforementioned e-mail address.

On May 29, 2014, by copy of at least two e-mail communications to Ms. Moore (renee.moore@austintexas.gov), by copy of those communications, you were apprised of the fact that information responsive to my request was withheld.

On May 30, 2014, you stated "Based on your current and prior practice, you are fully aware that the appropriate place to send your open records requests is to www.austintexas.gov/pir or to renee.moore@austintexas.gov." As shown by the facts that are described above, both methods that you have named have failed to be conducive to my receipt of this information.

To date, the Austin Police Department (City of Austin) still has not provided me with the responsive information. Therefore, I do not believe that the Austin Police Department, has made met the "good faith" requirement that is discussed in Attorney General Ruling No. 87 at 5 (1975).

am including in this communication, the text of sec. 552.353, Texas Government Code, pertaining to the officer for public information, or the officer's agent's (as those identities are defined by sec. 552.201, .202, Texas Government Code, respectively) failure/refusal to provide access to or copying of public information. That section states, in relevant part, the following:

(a) An officer for public information, or the officer's agent, commits an offense if, with criminal negligence, the officer or the officer's agent fails or refuses to give access to, or to permit or provide copying of, public information to a requestor as provided by this chapter

(e) An offense under this section is a misdemeanor punishable by:

- (1) a fine of not more than \$1,000;*
- (2) confinement in the county jail for not more than six months; or*
- (3) both the fine and confinement.*

(f) A violation under this section constitutes official misconduct.

By copy of this e-mail, I am filing a formal complaint with the Public Integrity Unit of the Travis County District Attorney's Office.

Respectfully,
Jermaine A. Hopkins

"If discrimination...is constitutionally permissible when those who hold the reins can come up with 'compelling' reasons to justify it, then constitutional guarantees acquire an accordion-like quality."

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)

Exhibit 29

Hopkins #13

From: Jermaine Hopkins [REDACTED]
Int: Tuesday, September 16, 2014 7:57 PM
To: Acevedo, Art
Cc: Ott, Marc; Leffingwell, Lee
Subject: Texas Public Information Request: Robert Ranco TPIA Requests

It is in my capacity as a concerned private citizen City of Austin resident that I am generating this communication in order to: 1) request public information (pursuant to sec. 552.221, Texas Government Code); and, 2) discuss with my elected/appointed City of Austin public officials a very serious and continuing matter of public concern, to wit, a violation of the Texas Public Information Act (sec. 552.353, Texas Government Code).

Pursuant to sec. 552.223, Texas Government Code. "[t]he officer for public information or the officer's agent *shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.*"

Please provide me with a CD containing:

- a copy of Mr. Robert Ranco's request(s) for public information which pertain to Mr. Pete Hernandez.
- any/all written/electronic communications that pertain to Mr. Ranco's request(s) for public information, between the City of Austin and Mr. Ranco.
- and; the Austin Police Department's records that pertain to the tracking of Mr. Ranco's request(s) for public information.

In response to my May 30, 2014 public information request that I submitted to you (via art.acevedo@austintexas.gov), and which you acknowledged receipt of, pertaining to Mr. Hernandez' June 7, 2012 arrest, the Austin Police Department withheld some of the responsive information and denied that it existed. As a result, I am submitting this new request for the and all DMAV (on a DVD) and photographs (on a CD) that pertain to the incident.

Please mail these items to the address below.

Respectfully,
Jermaine A. Hopkins
[REDACTED]

"If discrimination...is constitutionally permissible when those who hold the reins can come up with 'compelling'

reasons to justify it, then constitutional guarantees acquire an accordion-like quality."

-William Orville Douglas, Associate Justice of the United States Supreme Court (1939-1975)